

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alexander Schiavo	Team: Team # 4	CCRB Case #: 201310472	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 11/02/2013 5:30 PM	Location of Incident: Christie Street and Delancey Street, 5th Precinct Stationhouse	Precinct: 05	18 Mo. SOL 5/2/2015	EO SOL 5/2/2015	
Date/Time CV Reported Sat, 11/02/2013 8:50 PM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Thu, 11/07/2013 10:13 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Hector Dillon	13983	950328	005 PCT
2. POM William Clinton	04966	923678	005 PCT
3. POM Dikensy Moussignac	05819	949372	005 PCT
4. POM Paul Rao	07521	934099	005 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Hector Dillon	Abuse: At Christie Street and Delancey Street in Manhattan, PO Hector Dillon refused to provide his name and shield number to § 87(2)(b)	
B.POM William Clinton	Abuse: At Christie Street and Delancey Street in Manhattan, PO William Clinton refused to provide his name and shield number to § 87(2)(b)	
C.POM Dikensy Moussignac	Abuse: At Christie Street and Delancey Street in Manhattan, PO Dikensy Moussignac refused to provide his name and shield number to § 87(2)(b)	
D.POM William Clinton	Off. Language: At Christie Street and Delancey Street in Manhattan, PO William Clinton made remarks to § 87(2)(b) based upon ethnicity.	
E.POM Paul Rao	Abuse: At the 5th Precinct stationhouse, PO Paul Rao threatened to issue a summons to § 87(2)(b)	

Case Summary

On November 2, 2013, § 87(2)(b) filed a complaint in-person at the 5th Precinct stationhouse (encl. 4-5). On November 7, 2013, § 87(2)(b) filed the same complaint via the CCRB website (encl. 6-8). On November 2, 2013, at approximately 5:30 p.m., § 87(2)(b) received a summons from PO Hector Dillon of the 5th Precinct at Christie Street and Delancey Street in Manhattan. During the incident, § 87(2)(b) also interacted with PO Dikensy Moussignac and PO William Clinton of the 5th Precinct. After the incident, § 87(2)(b) went to the 5th Precinct stationhouse to file a complaint, where he interacted with PO Paul Rao of the 5th Precinct. The following allegations resulted:

- **Allegation A – Abuse of Authority:** At Christie Street and Delancey Street in Manhattan, PO Hector Dillon refused to provide his name and shield number to § 87(2)(b) [REDACTED]
- **Allegation B – Abuse of Authority:** At Christie Street and Delancey Street in Manhattan, PO William Clinton refused to provide his name and shield number to § 87(2)(b) [REDACTED]
- **Allegation C – Abuse of Authority:** At Christie Street and Delancey Street in Manhattan, PO Dikensy Moussignac refused to provide his name and shield number to § 87(2)(b) [REDACTED]
§ 87(2)(g) [REDACTED]
[REDACTED]
- **Allegation D – Offensive Language:** At Christie Street and Delancey Street in Manhattan, PO William Clinton made remarks to § 87(2)(b) based upon ethnicity. § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
- **Allegation E – Abuse of Authority:** At the 5th Precinct stationhouse, PO Paul Rao threatened to issue a summons to § 87(2)(b) [REDACTED]
§ 87(2)(g) [REDACTED]
[REDACTED]

§ 87(2)(b) was unsuitable for mediation.

This complaint was originally assigned to Inv. Robert Hart. On July 28, 2014, it was reassigned to Inv. Alex Schiavo following Inv. Hart's resignation from the agency.

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) who works at a restaurant and speaks with an accent, is a § 87(2)(b)-old Asian male who is 5'6" tall, weighs 160 pounds, and has black hair and brown eyes.

CCRB Statement

On November 14, 2013, § 87(2)(b) was interviewed at the CCRB (encl. 12-16) § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]

On November 2, 2013, at approximately 5:30 p.m., § 87(2)(b) was driving on Christie Street in Manhattan about to make a left turn onto Delancey Street. He made an illegal left turn

from the center lane of Christie Street onto the center lane of Delancey Street, at which point an officer flagged him down and told him to stop. This officer was identified by § 87(2)(b) from a summons he received as PO Hector Dillon and described as a uniformed black male who was 5'9" tall. Two uniformed officers, a black male whom § 87(2)(b) identified from his nameplate as PO Dikensy Moussignac and a uniformed white male whom § 87(2)(b) identified from his nameplate as PO William Clinton, were also present at the location.

PO Dillon asked for § 87(2)(b)'s driver's license twice, and § 87(2)(b) complied after the second request. PO Dillon spoke PO Clinton, and then entered his vehicle to start writing a summons. While PO Dillon was in the vehicle, § 87(2)(b) looked in his car for a pen to write down PO Dillon's name and shield number. PO Dillon returned to § 87(2)(b) who was still seated in his vehicle, and handed him a summons for making an improper turn (encl. 17-18).

As PO Dillon walked away from § 87(2)(b)'s vehicle, § 87(2)(b) exited his vehicle and approached PO Dillon while asking, "May I have your name and shield number?" PO Dillon did not provide his name and shield number. PO Moussignac and PO Clinton approached § 87(2)(b) and positioned themselves between him and PO Dillon. § 87(2)(b) said, "I need everyone's badge number." PO Moussignac twice placed his hand on § 87(2)(b)'s chest to prevent him from coming any closer. None of the officers volunteered their names or shield numbers.

§ 87(2)(b) became upset over being touched by PO Moussignac and started to speak at a fast rate. During § 87(2)(b)'s official statement, he alleged that PO Clinton asked him, "Where are you from?" This question upset § 87(2)(b). He responded, "Why you asking me where I'm from? I live here, I'm from New York." PO Clinton asked § 87(2)(b) "Where are you originally from?" § 87(2)(b) replied, "It doesn't matter where I'm originally from, it has nothing to do with this."

PO Clinton and PO Moussignac each grabbed ahold of one of § 87(2)(b)'s hands and handcuffed him. § 87(2)(b) asked, "Why you handcuff me for no reason?" PO Moussignac replied, "Because I felt threatened, you were waving that pen. A pen can be a weapon." § 87(2)(b) was issued a summons for disorderly conduct (encl. 19-20) by PO Dillon and then released from handcuffs. At that point, § 87(2)(b) read all the officers' names from their nameplates and recorded them on a piece of paper. The officers did not prevent him from doing so.

§ 87(2)(b) immediately went to the 5th Precinct stationhouse to file a complaint against the all three officers. At the stationhouse, § 87(2)(b) spoke with an officer whom he identified from his nameplate as PO Paul Rao. PO Rao took his complaint and then told § 87(2)(b) that if he continued to talk he would be issued a summons.

NYPD Statements:

Subject Officer: PO WILLIAM CLINTON

- *PO Clinton is a § 87(2)(b)-old white male who is 6'1" tall, weighs 185 pounds, and has brown hair and hazel eyes.*
- *On November 2, 2013, PO Clinton worked alone from 2:00 p.m. to 11:35 p.m. He was dressed in uniform and was assigned to a foot post near Chrystie Street and Delancey Street.*

Memo Book

According to PO Clinton's memo book, at 5:38 p.m., there was a car stop at Chrystie Street and Delancey Street (encl. 26-27).

CCRB Statement

On April 2, 2014, PO William Clinton was interviewed at the CCRB (encl. 28-29). PO Clinton observed that PO Moussignac and PO Dillon had stopped a vehicle at the incident location. PO Clinton approached the officers to make sure they were safe and everything was

okay. § 87(2)(b) stated numerous times that he had been stopped for no reason, but PO Clinton heard PO Dillon and PO Moussignac explain that § 87(2)(b) had been pulled over for making an illegal turn. § 87(2)(b) exited his vehicle and approached either PO Moussignac or PO Dillon, apologized, and asked that he not be issued a summons.

The officers told § 87(2)(b) to get back in his vehicle, and he complied. Three to five minutes later, § 87(2)(b) exited his vehicle again. He appeared angry, and the officers told him again to return to his vehicle. He complied, but slammed the driver's side door. PO Dillon handed § 87(2)(b) a summons, and § 87(2)(b) exited his vehicle a third time. He requested all three officers' names and shield numbers. PO Clinton verbally provided his name and shield number, and heard PO Dillon and PO Moussignac do so.

§ 87(2)(b) went back into his vehicle and started looking through his glove compartment. § 87(2)(b)'s sudden move to his glove compartment made PO Clinton nervous. § 87(2)(b) emerged from his car with a pen in his hand and again demanded all of the officers' names and shield numbers. PO Clinton knew that § 87(2)(b) received a piece of paper from PO Moussignac with all of their names and shield numbers written on it, but was unsure at what point.

When § 87(2)(b) exited his vehicle with a pen in hand, he was ordered to return to his vehicle three or four times and did not comply. § 87(2)(b) began yelling in PO Moussignac's face while swinging his pen around. § 87(2)(b) yelled very loudly that it was a free country and he could do as he pleased. PO Moussignac ordered § 87(2)(b) to stop moving the pen around and he did not comply. § 87(2)(b) was within two to three feet of the officers as he waved his pen in all of their faces.

PO Moussignac grabbed § 87(2)(b)'s right hand and PO Clinton grabbed § 87(2)(b)'s left hand while wrapping his left leg around § 87(2)(b)'s legs. At that point, PO Moussignac handcuffed § 87(2)(b) for their safety because § 87(2)(b) could have used the pen as a weapon. § 87(2)(b) stated that he would not file a complaint if he were not issued a summons. § 87(2)(b) continued struggling and moving his body for several minutes.

PO Clinton advised § 87(2)(b) several times to stop acting in an irrational manner. He did not have trouble understanding § 87(2)(b) and did not recall if § 87(2)(b) was ever asked what country he was from and which language he spoke. PO Clinton recommended to PO Dillon and PO Moussignac that § 87(2)(b) be arrested for disorderly conduct. PO Clinton believed that PO Dillon issued § 87(2)(b) a summons for disorderly conduct.

Subject Officer: PO DIKENSY MOUSSIGNAC

- *PO Moussignac is a § 87(2)(b)-old black male who is 5'5" tall, weighs 172 pounds, and has black hair and brown eyes.*
- *On November 2, 2013, PO Moussignac worked alone from 3:00 p.m. to 11:35 p.m. He was dressed in uniform and was assigned to traffic enforcement in marked RMP #4147.*

Memo Book

According to PO Moussignac's memo book, at 5:38 p.m., he backed up PO Dillon during a car stop at Chrystie Street and Delancey Street. § 87(2)(b) made an improper turn. PO Moussignac observed § 87(2)(b) exit his vehicle and walk towards PO Dillon's vehicle and call him a liar. § 87(2)(b) then refused to return to his vehicle after receiving several orders to do so. After PO Dillon issued § 87(2)(b) a summons, § 87(2)(b) walked towards him and asked him for his name and shield number. § 87(2)(b) then started to swing a green TD Bank pen in a hostile manner in officers' faces. § 87(2)(b) was handcuffed for safety reasons and was issued a summons for § 87(2)(b) (encl. 30-32).

CCRB Statement

On March 24, 2014, PO Moussignac was interviewed at the CCRB (encl. 33-34). On November 2, 2013, at approximately 5:38 p.m., PO Moussignac was sitting in his vehicle when he observed PO Dillon and PO Clinton make a vehicle stop in the vicinity of Christie Street and Delancey Street in Manhattan. PO Moussignac was parked about three car lengths behind PO Clinton and PO Dillon's vehicle. From within his vehicle, PO Moussignac saw PO Dillon speak to the motorist, known to the CCRB as § 87(2)(b) and then walk back towards to his RMP to write a summons.

§ 87(2)(b) exited his vehicle with a green TD Bank pen in his hand and began walking towards PO Dillon while loudly calling them liars and angrily asking for their shield numbers. Upon seeing § 87(2)(b) exit his vehicle, PO Moussignac exited his vehicle and walked towards § 87(2)(b). § 87(2)(b) was gesticulating with his pen near PO Dillon's face and requesting his shield number. PO Moussignac observed PO Dillon, who was seated in his vehicle, point at his name and shield number, but did not recall if PO Dillon provided his information verbally.

PO Moussignac told § 87(2)(b) to return to his vehicle and said that if he was not happy with the summons he could go to court and challenge it. § 87(2)(b) asked for all of the officers' shield numbers again and PO Moussignac told him to get back in his vehicle and said that he would write down all of their names and shield numbers on a piece of paper and bring it to § 87(2)(b). PO Moussignac did not recall if he verbally provided his name to § 87(2)(b) but repeatedly told § 87(2)(b) that he would write down his name and shield number, as well as those of PO Clinton and PO Dillon.

§ 87(2)(b) eventually returned to his vehicle and PO Dillon completed the summons and gave it to him. As PO Dillon turned to walk back towards the police vehicle, § 87(2)(b) exited his vehicle again, still holding a pen. After receiving the summons, § 87(2)(b) became more aggressive and gesticulated with his pen in PO Dillon's face while speaking. As § 87(2)(b) asked for shield numbers, he jabbed his pen towards all of the officers' faces. PO Moussignac placed himself between § 87(2)(b) and PO Dillon and ordered § 87(2)(b) to put his hands down and return to his vehicle two or three times.

PO Moussignac and PO Clinton placed § 87(2)(b) in handcuffs for their safety because of § 87(2)(b)'s threatening actions with his pen. Once handcuffed, § 87(2)(b) became compliant and apologized to PO Moussignac. PO Moussignac asked if § 87(2)(b) was okay and § 87(2)(b) replied that he was okay. PO Moussignac told PO Dillon to give § 87(2)(b) a summons for § 87(2)(b). § 87(2)(b) was released from the handcuffs, issued a summons for § 87(2)(b), and given the piece of paper with PO Moussignac's, PO Dillon's, and PO Clinton's names and shield numbers. § 87(2)(b) then returned to his vehicle and drove away.

Subject Officer: PO HECTOR DILLON

- *PO Dillon is a § 87(2)(b)-old black male who is 5'11" tall, weighs 165 pounds, and has black hair and brown eyes.*
- *On November 2, 2013, PO Dillon worked alone from 3:00 p.m. to 11:35 p.m. He was dressed in uniform and was assigned to traffic enforcement in marked RMP #3588.*

Memo Book

According to PO Dillon's memo book, at 5:38 p.m., he issued a summons for an improper turn to § 87(2)(b). After the summons was issued, § 87(2)(b) became very hostile and started acting very disorderly. § 87(2)(b) was told to stay in his vehicle. Upon stop, § 87(2)(b) came out of his vehicle following PO Dillon. § 87(2)(b) was told to return to the vehicle. PO Dillon returned with the summons, at which point § 87(2)(b) pointed his finger in PO Dillon's face. He was told to lower his finger. § 87(2)(b) then started pointing a pen he had in his hand in PO Dillon's face. § 87(2)(b) was again told to stop pointing the pen in the faces of officers for the

third time. § 87(2)(b) was placed in handcuffs for the officers' and his safety. At 5:50 p.m., PO Dillon issued a summons to § 87(2)(b) for § 87(2)(b) (encl. 21-23).

CCRB Statement

On April 2, 2013, PO Hector Dillon was interviewed at the CCRB (encl. 24-25). He observed § 87(2)(b) make an illegal turn from Christie Street onto Delancey Street in Manhattan. He obtained § 87(2)(b)'s documents and walked back towards his vehicle in order to prepare a summons. PO Dillon saw PO Moussignac walking towards him and looking over PO Dillon's shoulder. PO Dillon turned and saw that § 87(2)(b) had exited his vehicle and was about five or six feet behind him.

PO Moussignac told § 87(2)(b) to return to his vehicle and § 87(2)(b) complied. PO Dillon completed the summons and gave it to § 87(2)(b). Upon receiving the summons, § 87(2)(b) exited his vehicle again and asked for all of the officers' names and shield numbers while putting his finger in PO Dillon's face from about three feet away. PO Dillon told § 87(2)(b) that his name was on his summons and pointed to his nameplate and shield on his uniform and said, "It's right there."

§ 87(2)(b) said that he could not read the nametag and the shield on PO Dillon's uniform, so PO Dillon verbally provided his name and shield number. PO Dillon heard both PO Moussignac and PO Clinton verbally provide their names and shield numbers as well. PO Moussignac asked if § 87(2)(b) had a pen and paper to write the information down. § 87(2)(b) went back into his vehicle and emerged with a pen in hand. § 87(2)(b) continued angrily asking for the officer's names and shield numbers, while gesticulating with a pen in their faces.

PO Moussignac told § 87(2)(b) numerous times that they would give him all the information he wanted, and ordered § 87(2)(b) to put his hands down, but § 87(2)(b) did not comply. PO Moussignac, PO Dillon, and PO Clinton retreated away from § 87(2)(b). § 87(2)(b) walked towards them, still waving the pen. PO Dillon and PO Moussignac placed § 87(2)(b) in handcuffs for their safety. Once § 87(2)(b) was handcuffed, he became compliant.

PO Moussignac wrote down the names and shield numbers of all of the officers to give to § 87(2)(b). PO Dillon released § 87(2)(b) from the handcuffs and gave him a summons for the traffic violation, a summons for § 87(2)(b), and the paper with the officers' information. § 87(2)(b) returned to his vehicle and left the area. PO Dillon did not have trouble understanding § 87(2)(b). PO Dillon did not hear any conversation in which § 87(2)(b) was asked what country he was from or what language he spoke.

Shortly after the incident, PO Dillon returned to the 5th Precinct stationhouse to switch vehicles and complete unrelated paperwork. While in the stationhouse, he recognized § 87(2)(b)'s voice yelling near the front desk where PO Paul Rao was assigned, and he heard PO Rao responding to § 87(2)(b). However, he was unable to hear what they said. PO Dillon decided to stay out of sight of § 87(2)(b) because he did not want to interact with him again. While in the stationhouse, PO Dillon did not hear PO Rao or any other officer tell § 87(2)(b) that he would be issued a summons.

Subject Officer: PO PAUL RAO

- PO Rao is a § 87(2)(b) -old white male who is 6'0" tall, weighs 230 pounds, and has brown hair and brown eyes.
- On November 2, 2013, PO Rao worked alone as the TS Operator in the 5th Precinct stationhouse from 3:00 p.m. to 11:35 p.m. He was dressed in uniform.

Memo Book

PO Rao did not have any memo book entries pertaining to the incident (encl. 35-36).

CCRB Statement

On February 19, 2014, PO Paul Rao was interviewed at the CCRB (encl. 37-38). He was inside the 5th Precinct stationhouse working as the telephone switchboard operator. § 87(2)(b) came into the stationhouse to file a complaint against an officer. § 87(2)(b)'s demeanor was aggressive and at some point, PO Rao had to ask § 87(2)(b) to take his pen out of PO Rao's face. § 87(2)(b) was initially yelling, but eventually calmed down enough to make the complaint to PO Rao. § 87(2)(b) spoke loudly and was aggressive, but did not commit any offenses for which he could be issued a summons. PO Rao did not recall telling § 87(2)(b) that he would be issued a summons if he continued talking.

NYPD Document

Command Log

According to the command log (encl. 50), at 8:50 p.m., § 87(2)(b) appeared at the stationhouse to file a complaint against PO Dillon, PO Clinton, and PO Moussignac. § 87(2)(b) was angry because he was placed in handcuffs at the scene of a traffic stop.

Summons for Incident and Disposition

- The summonses issued to § 87(2)(b) were unable to be located on the E-Courts database and there was no answer at the Manhattan Criminal Court Summons division. § 87(2)(g)

Status of Civil Proceedings

- A notice of claim inquiry is pending.

Civilian Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian CCRB History

- § 87(2)(b) has filed the following CCRB complaints (encl. 3):

- § 87(2)(b)
-
-
-
-
-
-
-

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]

Subject Officers' CCRB Histories

- PO Dillon has been a member of the service for three years and this is the first CCRB complaint against him (encl. 1a)
- PO Clinton has been a member of the service for 15 years and there are no substantiated CCRB allegations against him. This is the sixth CCRB complaint in which he has been a subject (encl. 1b).
- PO Moussignac has been a member of the service for four years and there are three substantiated CCRB allegations against him (encl. 1c):
 - In CCRB #201108190, the Board substantiated question, frisk, and search allegations against him. The NYPD imposed a penalty of instructions.
- PO Rao has been a member of the service for 10 years and there are no substantiated CCRB allegations against him. This is the second CCRB complaint in which he has been a subject (encl. 2).

Conclusion

Identification of Subject Officers

§ 87(2)(b) wrote down PO Dillon, PO Moussignac, and PO Clinton's names on a piece of paper at the time of the incident.

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: At Christie Street and Delancey Street in Manhattan, PO William Clinton refused to provide his name and shield number to § 87(2)(b)

Allegation B – Abuse of Authority: At Christie Street and Delancey Street in Manhattan, PO Hector Dillon refused to provide his name and shield number to § 87(2)(b)

Allegation C – Abuse of Authority: At Christie Street and Delancey Street in Manhattan, PO Dikensy Moussignac refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) alleged that after he requested all three officers' names and shield numbers, the officers did not voluntarily provide them. Rather, § 87(2)(b) had to write them down himself on a piece of paper. PO Clinton, PO Moussignac, and PO Dillon all testified that PO Moussignac wrote down all of their names and shield numbers on a piece of paper and provided it to § 87(2)(b) at the end of the incident. There were no witnesses to or recordings of the incident. § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

Allegation D – Offensive Language: At Christie Street and Delancey Street in Manhattan, PO William Clinton made remarks to § 87(2)(b) based upon ethnicity.

§ 87(2)(b) was offended because PO Clinton allegedly asked him where he was originally from. He perceived this to be an insensitive remark, as § 87(2)(b) is an Asian male who speaks with an accent. PO Clinton denied ever asking § 87(2)(b) where he was from. PO Dillon testified that he did not hear a conversation in which PO Clinton or any officer asked § 87(2)(b) where he

was from, and PO Moussignac did not testify as to whether he heard PO Clinton ask § 87(2)(b) where he was from. There were no witnesses to or recordings of the interaction. § 87(2)(g)

Allegation E – Abuse of Authority: At the 5th Precinct stationhouse, PO Paul Rao threatened to issue a summons to § 87(2)(b)

§ 87(2)(b) alleged that after he filed a complaint about the incident at the 5th Precinct stationhouse, PO Rao told him to stop talking or he would receive another summons. PO Rao did not recall making this threat to § 87(2)(b) PO Dillon, the only other officer who heard any of the interaction at the stationhouse, testified that he did not hear the specifics of the conversation. There were no witnesses to or recordings of the interaction at the stationhouse. § 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date